UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1387
23 March 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1387th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS

later: Mr. FALL (Vice-Chairman)

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Initial to fourth periodic reports of Estonia

Draft concluding observations concerning the twelfth to fourteenth periodic reports of France

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-41069 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Initial to fourth periodic reports of Estonia (CERD/C/329/Add.2; HRI/CORE/1/Add.50)

1. At the invitation of the Chairman, Ms. Jaani, Mr. Kull, Ms. Rennel, Mr. Kokk, Ms. Pihel, Ms. Hion and Ms. Kokajev (Estonia) took places at the Committee table.

2. Ms. JAANI (Estonia) apologised for the late submission of the consolidated initial to fourth reports of Estonia. Following the restoration of independence in 1991, many complex changes had taken place and Estonia continued to work towards full compliance with its international obligations. It had also continued accession negotiations with the European Union, with which new levels of cooperation were being achieved.

3 At the national level, general elections and elections to local government councils had been held. As a result, seven political parties, including the predominantly Russian-speaking Estonian United People's Party, were represented in parliament. Following local government elections, in which resident foreigners had had the right to vote, two electoral lists composed largely of Russian-speaking politicians were represented on Tallinn's city council. One of the lists was part of the ruling coalition and included one of the vice-chairmen of the city council. Two out of eight of the city's districts were governed by non-Estonians.

4. One of the country's major challenges was the integration of the sizeable non-Estonian community into Estonian society. That was to be achieved through a consistent, inclusive policy based on the State Integration Programme. The latter sought to reduce the number of persons with undetermined citizenship, to promote the teaching of the official language and to encourage real participation of non-Estonians in Estonian society. It was based on the development of an integrated European society, stability and the protection and continued development of Estonian culture. The purpose of integration was not to change ethnic identity but rather to help non-Estonians adapt to Estonian culture and participate fully in Estonian society.

5. The draft programme "Integration in Estonian society 2000-2007" defined the nature and main aims of integration. The nature of integration was shaped by two processes: on the one hand social harmonization based on knowledge of the Estonian language and possession of Estonian citizenship, and on the other hand recognition of the cultural rights of ethnic minorities. Harmonization therefore required the integration of both Estonians and non-Estonians into an Estonian society built around a strong common core.

6. Integration had three main objectives. First, since insufficient knowledge of the Estonian language was a barrier to many non-Estonians, a shared Estonian language environment would be created in parallel with the creation of favourable conditions for the development of the languages and cultures of ethnic minorities. Second, in order to facilitate the integration of non-Estonians, the naturalization process would be made more efficient and effective so that new Estonian citizens of non-Estonian descent could participate equally in the structures of legislative and executive power. Third, in order to eliminate ethnic discrimination, a multicultural society

based on cultural pluralism, a strong common core and the development of Estonian culture would be created. In addition, the Government, along with the European Union, United Nations Development Programme (UNDP) and the Nordic countries, provided financial support for various activities promoting integration.

7. The new Legal Chancellor Act, which had entered into force on 1 June 1999, had considerably broadened the Legal Chancellor's mandate, adding the functions of Ombudsman. As a result, individuals could appeal directly to the Legal Chancellor to intervene on their behalf with any State agency in order to protect their constitutional rights and freedoms. He was authorized to take any measures necessary in the interest of a just and prompt settlement and had unrestricted access to all documents and materials. The Legal Chancellor kept petitioners informed of the results of his investigations and any proposals made. Any agency receiving a proposal from the Legal Chancellor had to notify the Legal Chancellor of any steps taken to comply. In the event of non-compliance, the Legal Chancellor could present a report to the agency's supervisory body, to the Government or to the Parliament. He also had the right to request disciplinary action against an official. In cases where the Legal Chancellor found that the Constitution or the law had been violated, he had to notify the appropriate authorities. Although the Act was relatively recent, the number of petitions had risen from 289 in 1995 to 716 in 1999, which seemed to indicate that the system was working satisfactorily.

8. Individuals also had the right, under article 15 of the Constitution, to challenge the constitutionality of any law and the Supreme Court had in fact declared unconstitutional certain legal acts which were not in conformity with the Constitution and relevant international treaties. In addition, a new law on administrative procedure, which had taken effect on 1 January 2000, gave the administrative court the power to revoke disputed acts or procedures, either in their entirety or partially, as well as the right to order an administrative body or official to pay compensation for damages caused.

9. She expressed the hope that the additional information provided in her oral presentation would assist the Committee in its deliberations on Estonia and said she would be ready to answer any questions the Committee might wish to ask.

10. Mr. YUTZIS (Country Rapporteur) said that it was always a pleasure to receive the first report from a State party, since it represented an added element in the developing dialogue between the Committee and States. He thanked the representative of Estonia for the additional information provided on efforts to achieve integration and on the increased responsibilities of the Legal Chancellor. He noted that Estonia was making admirable progress in its efforts to transform the social and political situation in the country.

11. Referring to the report, he noted that Estonia had been unable to regain its independence after the Second World War (para. 17) and that there were many ethnic groups living in Estonia (para. 36). Most of the Roma population, however, had regrettably been killed during the German occupation (para. 38). It was noteworthy that during her oral presentation, the representative of Estonia had recognized that Estonia was a multicultural society, a fact not yet officially recognized in the Constitution, and the demographic information provided in the report would contribute to ensuring implementation of the Convention. In that context, he noted that international treaties took precedence over national legislation (para. 55) and could be invoked

before the courts (para. 58). In that respect, Estonia should, as recommended by the European Commission against Racism and Intolerance (ECRI), ratify the International Labour Organization (ILO) Convention No. 111 Concerning discrimination in respect of Employment and Occupation, the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education and the European Charter for Regional or Minority Languages as soon as possible.

12. With regard to articles 3 and 4 of the Convention, the Criminal Code currently contained provisions which implemented those two articles (paras. 83 to 91). However, as the European Commission against Racism and Intolerance (ECRI) had pointed out, no civil or administrative measures had been taken to eliminate racial discrimination in the areas of housing and employment. It was urgent that such measures be taken rapidly in order fully to implement the Convention.

13. A recurrent theme in the report was that of cultural autonomy. The report stated that national minorities had the right to preserve their identity, culture and language (para. 66), but defined a national minority as citizens of Estonia residing on Estonian territory. If indeed representatives of a national minority had to be citizens in order to be recognized, that was an unacceptable restriction. He wondered how that definition could be reconciled with the main objective of Estonia's cultural policy, which included the cultural autonomy of national minorities (para. 387) but which would seem to give greater weight to Estonian national culture.

14. With regard to immigration, the report stated (para. 136) that the Aliens Act established an annual immigration quota of 0.05 per cent of the total population, but that quota did not apply to Estonians or to citizens of the European Union, Norway, Iceland and Switzerland. In addition, during her oral presentation, the representative of Estonia had stated that the country was intending to develop a European, integrated society. The restrictions on immigration contained in the Aliens Act were discriminatory and not compatible with the Convention and he wondered whether the delegation would be able to offer some explanation.

15. In the area of citizenship (paras. 144 to 160) the extensive requirements for citizenship were a source of concern, as had already been pointed out by the ECRI. Especially onerous was the requirement of command of the Estonian language, which was a particularly difficult language to master.

16. Language was also an impediment to obtaining employment. Pursuant to the Employment Contracts Act, language skills were necessary for work (para. 252); that meant that employers could set a language requirement for job-seekers. As there was a large number of Russian-speakers in Estonia who did not know Estonian, such a provision was indirectly discriminatory. The report openly acknowledged that language affected employment (para. 272). With the decline in the size of Estonia's industrial sector and the growth of its services sector, language proficiency became even more important.

17. Education was another area of concern that was linked to the issue of language. It was worth noting that in a report on Estonia, the Council of Europe's (ECRI) had urged Estonia to

reconsider its plan (alluded to in paragraphs 342 and 343 of the report) for all secondary schools to be taught in Estonian by the year 2007 because of the large number of Russian-speakers resident in Estonia.

18. Turning to the question of stateless persons, paragraph 140 (a), which said that an alien's passport might be issued to an alien who had been declared a stateless person if he or she was entitled to a residence permit and had no valid travel document, raised an important issue, since there were nearly 200,000 stateless persons living in Estonia. The situation of children born of stateless persons in Estonia was particularly disturbing, because they were automatically declared stateless at birth. As he understood it, a bill had been submitted to address that problem. He asked the delegation of Estonia for additional information on the matter.

19. Concerning the references in paragraph 401 to freedom of the press, he inquired what was being done to make Russian-language television and cable channels available. That was important for the pursuit of cultural identity. What was Estonia doing to ensure that the Russian-speaking community had access to modern technology for cable, video and television?

20. Mr. Fall, Vice-Chairman, took the Chair.

21. Mr. DIACONU was pleased to note that under Estonia's Constitution, international conventions took precedence over domestic law and that the provisions of the Convention were directly applicable.

22. He had a question about paragraph 87. Why did genocide include deprivation or restriction of the economic, political and social human rights of native inhabitants only during occupation or annexation? If such offences were committed prior to or subsequent to occupation or annexation, would they not constitute acts of genocide? The 1948 Convention on the Prevention and Punishment of the Crime of Genocide established that punishment of such acts was not restricted to wartime, occupation or annexation. The wording of paragraph 87 gave the impression that a limitation was placed on the scope of the Genocide Convention; he could not imagine that that was Estonia's intention.

23. He would like to know how many non-citizens were permanent residents and how many were not. How many non-citizens had received a non-citizen passport? After all, such a passport was essential to the enjoyment of freedom of movement and the right to leave a country and return to it.

24. He was surprised to read in paragraph 64 that article 52 (2) of the Estonian Constitution entitled national minorities who formed the majority of the residents in a locality to use their own language for internal communication. Why were they allowed to do so only for internal communication? Were they not allowed to use their own language in their dealings with the authorities? As it stood, paragraph 64 was misleading: should the Committee infer that in areas where such persons were in the minority they were not even allowed to use their own language among themselves?

25. The Estonian Government had given a definition of the term "minority" (para. 66), something which very few states did. Why were only citizens considered minorities, and not

others? That was in contradiction with the Human Rights Committee's definition of minority. Moreover, the definition given in paragraph 66 appeared to be inconsistent with the way the term was used in paragraph 44, which referred to 474,834 Russians as being part of the Russian minority, even those who did not have Estonian nationality. If only citizens were considered part of the national minority, that meant that only about 200,000 of those Russian-speakers would be regarded as belonging to the minority and could thus enjoy cultural autonomy under the Cultural Autonomy Act. Also, how should the reference in the definition to "a long and lasting attachment to the country" be interpreted? How many years did that entail?

26. He was pleased that the teaching of Estonian had been made mandatory in all schools: it was essential for anyone who lived in the country to know the language. However, why was it planned to replace non-Estonian-language education by Estonian-language education in 2007/2008 (para. 75)? Did that mean that other languages would be eliminated? Why could Estonian not be added? He understood very well that the main language used was Estonian, but it should also continue to be possible to be taught in the minority languages.

27. According to paragraph 108, Estonians had the right of access to personal data stored at surveillance agencies and in their archives, but citizens of foreign countries and stateless persons did not. He could not imagine that the Human Rights Committee could accept that such a distinction was made between citizens and non-citizens.

28. Paragraph 117 contained a requirement of language proficiency in Estonian in order to run for office at local level. He referred to the conclusions of Max van der Stoel, the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), for whom such a regulation constituted discrimination against a certain group of citizens. According to the Estonian Constitution itself, no one could be discriminated against on the basis of language (para. 62). The Estonian Government must give serious consideration to eliminating discrimination against some of its citizens.

29. He noted the importance of the National Minorities Cultural Autonomy Act (para. 389) and was pleased that it was possible for members of minority groups to pursue cultural activities and have cultural institutions and even Sunday schools (paras. 344-50).

30. He was optimistic for the future implementation of the Convention in Estonia. There was an integration programme, which, as the delegation of Estonia had stressed, must be implemented with due regard for ethnic differences. To that end, Estonia must continue its efforts to reduce the number of non-citizens and of persons who do not have the status of permanent resident and do away, as much as possible, with legal differences between citizens and permanent residents.

31. Mr. VALENCIA RODRIGUEZ, commenting first on the part of the report dealing with implementation of article 2 of the Convention, said that he was pleased to note that article 12 of the Estonian Constitution prohibited racial discrimination and that article 49 guaranteed everyone's right to preserve his or her national identity. It was to be welcomed that the National Minorities Cultural Autonomy Act (para. 66), passed in 1993, was consistent with the first Law

on Cultural Autonomy for National Minorities of 1925, which, as stated in paragraph 65, had been recognized internationally as a successful endeavour to protect the cultural autonomy of minorities.

32. He welcomed the efforts made to integrate the non-Estonian-speaking population into Estonian society. The establishment in 1998 of the Non-Estonians' Integration Foundation had been a wise decision (para. 71). He asked the Estonian delegation to provide more information on the success of programmes to teach the Estonian language and on the results of the State Integration Programme (para. 70).

33. Estonia complied with the fundamental aspects of article 4 of the Convention. With regard to paragraph 98, on the Criminal Procedure Code, he requested information on criminal cases in recent years in which the right of equality before the law, regardless of race, had been violated.

34. The report provided quite complete information on Estonia's implementation of article 5 of the Convention. He noted that Estonia had abolished the death penalty (para. 105) and that foreigners had been granted the right to vote in local elections if they fulfilled certain conditions. That initiative encouraged the integration process.

35. Returning to an issue raised earlier, he noted that the immigration quota established annually under the Aliens Act did not apply to citizens of the European Union, Norway, Iceland and Switzerland (para. 136). That clearly constituted discrimination on the basis of national origin. Could the Estonian delegation comment on that point?

36. According to paragraph 179 of the report, the transfer of land to a foreigner was subject to the approval of the local governor. He presumed that such a restriction applied to all foreigners. Nevertheless, paragraph 205 of the report stated that there were no restrictions on the basis of citizenship with regard to the right to succession. He would welcome some explanation in that regard.

37. Concerning labour issues, he noted that under Section 5 of the Wages Act it was prohibited to increase or reduce wages on the grounds of an employee's racial or ethnic origin. How was that provision applied to women in the light of the principle of equal pay for equal work? Furthermore, since unemployment was generally higher among men than women, what steps were being taken to remedy the situation?

38. Given that one of the major factors impeding the integration of non-Estonians was their difficulty in mastering the Estonian language, it would be interesting to know the results of programmes implemented in that connection. With regard to education, he welcomed the establishment of special schools with teaching in the Russian, Ukrainian and Yiddish languages, but recommended that steps also be taken to set up schools for other minority groups. The Estonian Government was to be commended on including human rights education in the national school curriculum. Also praiseworthy were the activities of the Press Council, which he hoped to take due account of Estonia's obligations under the provisions of the Covenant.

39. Mr. de GOUTTES said that a State party's initial report was always of great interest to the Committee and that there was much to be commended in the report submitted by Estonia: sufficient information on the ethnic composition of the population; details of mechanisms in place to protect minority groups; the precedence of international treaties over domestic legislation; ample provision in the Criminal Code for the prevention of racial discrimination; specific examples of legal action taken on the grounds of racial discrimination. Nonetheless, he would welcome further information on the following matters.

40. According to the Committee's NGO sources, including ECRI, members of the Russian-speaking minority in Estonia were the victims of discrimination with respect to elections, the granting of nationality and in socio-economic and cultural spheres. What steps were being taken to remedy the situation? In that connection, was it possible for the annual immigration quota, referred to in paragraph 136 of the report, to be altered, for example by the Estonian Parliament? Could any countries other than those listed in paragraph 136 be exempted from the quota? Approximately how many applications for immigration were rejected each year on account of the quota?

41. According to paragraph 243 of the report, the Non-profit Associations Act prohibited the activities of associations that incited ethnic, racial, religious or political hatred, violence or discrimination. Could the delegation provide any examples of sanctions taken against such associations on the basis of the Act? He would also be interested to know more about the Press Council and whether, as a result of its monitoring activities, any sanctions had been taken against newspapers on the grounds of incitement to racial discrimination.

42. With which NGOs did the Estonian Government cooperate in the field of human rights education?

43. Did the Government envisage the possibility of making the declaration under article 14 of the Covenant? It was worth noting that there was no incompatibility between it and article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The two complaints procedures under those articles were in fact complementary, the former being universal and the latter regional in scope.

44. Mr. PILLAI welcomed the many very liberal provisions in the Estonian Constitution, in particular article 123 whereby international treaties took precedence over domestic legislation. It was indeed to its credit that Estonia had already become a party to so many international agreements, given its very recent independence.

45. He was particularly interested in information provided by the delegation during its presentation on the Government's considerable efforts towards the integration of the different ethnic groups into Estonian society, to which there were many references in the report (paras. 67, 75, 78). He wondered how the Government's efforts to ensure integration on the one hand, and to allow minority groups to preserve their linguistic and cultural identity on the other, inter alia through the National Minorities Cultural Autonomy Act, could be reconciled.

46. He sought further details on the role and activities of the Estonian Union of National Minorities, referred to in paragraph 399 of the report, as well as on NGOs active in Estonia in the field of racial discrimination.

47. Mr. RECHETOV said that although Estonia was a newly independent State, it had already considerable experience in human rights - especially in national minorities, through its association with the European human rights bodies. The time had now come for it to fulfil its obligations at international level, although it would have been more appropriate if it had done so first of all under the Convention Against the Elimination of Racial Discrimination, rather than in connection with the Covenant on Civil and Political Rights, given that most of the issues at stake in Estonia came under the sphere of competence of the Convention.

48. Historians might well dispute some of the historical information provided in the first part of the report, notably that in paragraphs 14 and 15. It was clear from the somewhat one-sided view of historical events presented in the report that the Estonian Government had decided to make a special issue of its history, which determined its policy towards national minorities. For instance, the last sentence of paragraph 38 of the report merely stated that the Roma were also represented in Estonia to a certain degree and that the majority of them had lost their lives during the German occupation. In view of the great interest in the situation of Roma people nowadays, some effort ought to have been made to provide more accurate information in the report on that score.

49. It was indeed highly regrettable that, owing to the particular circumstances of the former Soviet Union, the many Russian-speakers among the population had never been encouraged or helped to learn Estonian. However, following the dissolution of the former Soviet Union, many of them had suddenly found themselves deprived of citizenship, which ran counter to the Universal Declaration of Human Rights. What was more, not only was the enjoyment of most basic rights contingent on Estonian citizenship, but only Estonian citizens could be considered as belonging to the recognized national minorities. According to paragraph 94 of the report, the Courts Act provided that citizens should have the right to protection by the courts if their life, health, personal liberty, property, honour and dignity or other rights and liberties guaranteed by the Constitution were violated. That implied that non-citizens were not entitled to such protection. Furthermore, from the information contained in paragraph 186 (a), it appeared that only Estonian citizens were allowed to possess rifles, which was bad news for foreigners wishing to visit Estonia on hunting trips. He would welcome some clarification on those two points.

50. He reckoned that the vast majority of ethnic Russians living in Estonia had welcomed its independence and would like to acquire Estonian citizenship, but they were obliged to undergo the very lengthy and restrictive procedures of the immigration quota system. According to figures available, in the last five years the number of people naturalized under such procedures had fallen by around 75 per cent. The report failed to mention that Estonian courts had declared the quota system unconstitutional and had found it to be in violation of the European Convention on Human Rights. The quota system had also been condemned by the OSCE High Commissioner on National Minorities. How could the problem of stateless people in Estonia be resolved when reportedly the immigration quota system was likely to become even stricter in future?

51. He, too, sought clarification regarding the statement in paragraph 87, which suggested that acts resulting in the deprivation or restriction of economic, political, social and human rights of native inhabitants unless perpetrated during times of occupation or annexation were not considered as crimes against humanity under the relevant provisions of the Criminal Code.

52. In conclusion, after reassuring the Estonian delegation that it was not the only State party to have been subjected to such frank and tough questioning, he suggested that the best way for the Estonian Government to pursue cooperation with the Committee in future would simply be to comply with its obligations under the Convention.

53. Mr. NOBEL asked whether the Citizenship and Immigration Board (para. 79) was now fully equipped and staffed. He shared the concerns expressed by previous speakers about the immigration quota system, which effectively restricted the numbers of applicants from countries outside the European Union to several hundred each year. He was familiar with the immigration policies promoted by the European Union and he feared the methods adopted in its efforts to restrict and control immigration as well as their consequences. For by restricting immigration from countries outside the European Union it was implied that citizens from other countries were not welcome. It nurtured a "them" and "us" mentality, which could inspire xenophobic and racist tendencies, not only among the public at large, but also among law enforcement and immigration officers in the countries concerned. He therefore suggested that the Estonian Government should reconsider its current immigration policies. He strongly disliked the current provision regarding the annual immigration quota in the Aliens Act.

54. In 1997, Estonia had ratified the Convention relating to the Status of Refugees and its 1967 protocol. Estonia's Nordic neighbours had been particularly keen for it to ratify the instrument, since the many people transiting through Estonia to seek refuge or asylum in their countries could thereafter be returned to Estonia on the grounds that it was the country of first asylum. Prior to that ratification, he had been working with the Swedish Red Cross in the region and was aware there had been several hundreds of refugees that fell into that category. He was therefore rather surprised to see that according to paragraph 162 of the report, as at 23 December 1998 only 24 such persons had applied for refugee status. What had happened to all the rest? Of course most safety seekers were not covered by the current definition of refugees given under the 1951 Convention, since generally they were fleeing from armed conflicts or natural disasters. However, such situations were so serious that, on purely humanitarian grounds, it would be difficult to justify returning such persons to their homeland. Could the discrepancy in the figures he had quoted be explained by the fact that the persons concerned, who did not come under the definition of refugees in the Convention, had in fact been allowed to stay on humanitarian grounds?

55. Had the Estonian Government considered the possibility of ratifying the Convention relating to the Status of Stateless Persons as well as the Convention on the Reduction of Statelessness. That might help to resolve the problem of stateless persons, both for the Estonian Government and the persons concerned.

56. Mr. BRYDE commended the State party on the submission of an impressive and informative report. The main concern for many members of the Committee was the situation of

the Russian minority. Of course, the report could only be considered in the light of Estonia's history, especially in so far as the relationship between citizens and non-citizens was concerned. The use of the term "alien" to describe persons who had been born and legally resided in the country while it was part of the Soviet Union was unsatisfactory. Were it not for the qualification of such persons as aliens, the country's policy toward non-citizens, which for instance allowed for participation in local elections, would seem quite progressive and commendable in comparison with the policies applied by other countries. Similarly, the Citizenship Act would not appear to be excessively restrictive if it applied only to newly arrived immigrants. But when applied to the minority in question, i.e., Russians born in Estonia, the Act deprived members of that minority of many rights under the Convention.

57. He agreed with Mr. Diaconu that the language requirements in the Election Act were a matter of concern, as they appeared to be incompatible both with the Estonian Constitution and with the Convention.

58. The members of the delegation of Estonia withdrew.

Draft concluding observations concerning the twelfth to fourteenth periodic reports of France (CERD/C/56/Misc.20/Rev.3)

59. The CHAIRMAN invited the Committee to consider the draft concluding observations concerning the twelfth to fourteenth periodic reports of France.

60. Mr. ABOUL-NASR said that before the Committee examined the draft concluding observations paragraph by paragraph, he wished to express his concern that in drafting such documents, it should pay more attention to the oral presentations made by the delegations of the States parties. In 1999 the Committee had received a letter from the Mauritanian Government objecting to the way in which its report had been handled and pointing out that many of the issues raised in the concluding observations had been addressed during its delegation's oral presentation. While the oral presentations were recapitulated in the summary records, those records were not annexed to the concluding observations, and many of the readers of the latter would not be able readily to refer to them. In the case of France and of any country which sent a delegation to present its report, he hoped the Committee would take into consideration the answers provided orally. It was in the best interest of ensuring a constructive spirit of dialogue, which was of paramount importance to the Committee's work.

61. Mr. SHAHI agreed. The periodic reports were sometimes up to two years old by the time they were presented, and in such cases many of the points raised in the concluding observations could only be addressed by the State party in the oral presentation. The summary records were not immediately available.

62. Mr. RECHETOV felt that it was late in the day to begin such general discussions. The drafting of concluding observations was a complex process, and the Committee members must work together to assist the Country Rapporteur in his task by offering their comments on the proposed text.

63. Mr. DIACONU said he agreed with the substance of the concluding observations, but felt the repeated reference in four paragraphs to the recommendations issued by the Committee in 1994 gave the false impression that France had not responded to those recommendations and that no dialogue had taken place in the interim.

64. Mr. BANTON (Country Rapporteur) said that in his view, the delegation had failed in both its report and its oral presentation to respond to certain specific questions, and had ignored the recommendations issued by the Committee in 1994, to which the draft concluding observations referred. The repetition was intentional, and was appropriate in the case of France. He proposed to meet Mr. Diaconu after the meeting to discuss the four paragraphs in question.

65. It was so agreed.

Paragraph 1

66. Mr. PILLAI suggested the Committee might consider inserting the dates when the twelfth and thirteenth reports had fallen due, so as to lend weight to the references to late submission of reports in subsequent paragraphs.

67. Mr. RECHETOV said that while that proposal was of interest, if the Committee decided to include such information in the first paragraph of its concluding observations for France, it would have to instruct the Secretariat to do so in the concluding observations for all countries. Failing that, it might be perceived as a reproach targeted against France.

68. Mr. SHAHI felt that the reference in paragraph 2 to the deadline for the submission of the twelfth periodic report would suffice.

69. It was so agreed.

70. Paragraph 1 was adopted.

Paragraph 2

71. Mrs. ZOU Deci felt that the last sentence lent itself to confusion, as it pointed out that the twelfth report had been due in 1994. That might imply that France had not submitted a report in 1994, when in fact it had submitted one that year. The sentence should be deleted.

72. After a discussion in which Mr. BANTON, Mr. ABOUL-NASR, Mr. SHAHI and Mrs. JANUARY-BARDILL took part, it was decided to leave the question in abeyance pending further consultation among the Committee members.

Paragraph 3

73. Paragraph 3 was adopted.

Paragraph 4

74. Paragraph 4 was adopted.

Paragraph 5

75. Mr. RECHETOV and Mr. ABOUL-NASR felt that the sentence was too categorical. The Committee should insert "in some instances" before the words "with vigour".

76. Mr. DIACONU suggested that the words "with satisfaction" should be removed.

77. Mr. BANTON (Country Rapporteur) agreed that "with satisfaction" should be removed, and suggested using another term instead of "in some instances". He had the impression that the Government took such action in the overwhelming majority of such cases.

78. Mr. BRYDE proposed that the Committee use the term "systematically".

79. Paragraph 5, as amended, was adopted.

The meeting rose at 6 p.m.